

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA**

**L.H., a Minor Student,
by and through his parents G.H. and
D.H. and G.H. and D.H., individually,**

Plaintiffs

Case No. 1:14-cv-00126

VS.

Judge Curtis L. Collier

**HAMILTON COUNTY DEPARTMENT
OF EDUCATION,**

JURY DEMAND

and,

**TENNESSEE DEPARTMENT OF
EDUCATION**

Defendant

**PLAINTIFFS' MOTION FOR JUDGMENT ON IDEA CLAIMS AND
PARTIAL SUMMARY JUDGMENT ON TITLE II AND SECTION 504 CLAIMS**

COME NOW, THE PLAINTIFFS, by and through counsel, and file this Motion for Judgment on IDEA Claims and partial summary judgment under Rule 56 under Title II of the ADA and Section 504 against Defendant Hamilton County Department of Education. Plaintiffs will show that the underlying administrative record along with additional evidence appropriate for this Court's consideration, entitle Plaintiffs to a reversal of the Administrative Law Judge's decision and a grant of judgment in their favor under the IDEA. In addition, Plaintiffs will show that the material and undisputed facts demonstrate that Plaintiffs are entitled to injunctive and

declaratory relief for unequal and unnecessary treatment under the Title II of the ADA and Section 504.

In support of this Motion, Plaintiffs incorporate by reference herein their Memorandum of Law in Support, filed contemporaneously herewith, along with the entire record in this case, and respectfully request that Plaintiffs be granted judgment in their favor under the IDEA, Title II, and Section 504. Plaintiffs pray for appropriate equitable relief including reimbursement for private schooling and aide, appropriate placement, services, and supports for L.H., and training in Hamilton County Schools on least restrictive environment.

Respectfully Submitted,

**GILBERT RUSSELL McWHERTER
SCOTT BOBBITT, PLC**

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ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that a true and exact copy of the foregoing has been mailed electronically via the Court's electronic filing system, to all counsel of record on this the 17th day of September 2015.

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/s/ Justin S. Gilbert_____